

wherein in the exchange position of the locking lever (6), the passing line forms with the longitudinal axis of the locking spindle (4) an end angle ( $\beta$ ) that amounts from about  $5^\circ$  to about  $30^\circ$ .

**REMARKS**

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, Claims 1-9 have been cancelled. Claims 10-17 have been added.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance, and action to that end is respectfully requested.

I. Rejection Under 35 U.S.C. § 112

The Examiner rejected claims 1-9 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. As noted above, claims 1-9 have been

cancelled. It is respectfully submitted that new claims 10-17 comply with all of the requirements of 35 U.S.C. § 112.

## II. Rejection Over the Prior Act

The Examiner rejected claims 1-9 under 35 U.S.C. § 102(b) as being anticipated by Rudolf, U.S. Patent No. 5,058,909 (Rudolf '909). Claims 1-9, as it has already been noted above, have been cancelled. It is respectfully submitted that claims 10-17 are patentable over Rudolf '909. Specifically, claim 10 recites that:

(i) the contact surface of the locking spindle (4) has an extent (K) corresponding to a distance (a) between a point of contact of the contact region of the slider (8) with the contact surface (11) of the spindle (4) in the locking position of the lever (6) and the pivot axis (9) of the locking lever (6), multiplied by  $\sin(\alpha)$  of an angle ( $\alpha$ ) formed, in the locking position of the locking lever (6), by a line passing through the contact point and the pivot axis of the spindle (4); and (ii) in the exchange position of the locking lever (6), the passing line forms with the longitudinal axis of the locking spindle (4) an end angle ( $\beta$ ) that amounts to from about  $5^\circ$  to about  $30^\circ$ .

As explained in the specification, the claimed dimensioning of the contact surface of the locking spindle insures a compact structure of the quick-locking mechanism, and the angle of about  $5 \div 30^\circ$  in the exchange position of the lever provides for a reliable retention of the locking lever in the exchange position (page 8, lines 5-17).

The foregoing novel features of the present invention are absent in Rudolf '909. As correctly noticed in the Office Action, the camming surface of the lever pivots on the same axis as the lever. Clearly, the angular relationship is completely different in Rudolf '909.

It is noted that Rudolf '909 is similar to DE-43 36 620 which is discussed in detail in the preamble of the specification and, by the way, is by the same inventor, Rudolf, applicant submits herewith, with an Information Disclosure Statement, U.S. Patent No. 5,601,483 corresponding to DE – 43 36 620). It is further noted that Rudolf '909 has the same drawbacks as DE-043 36 620 which are discussed in detail in the preamble of the specification.

A rejection based on U.S.C. § 102 as in the present case, requires that the cited reference disclose each and every element covered by the Claim. Electro

Medical Systems S.A. v. Cooper Life Sciences, 32 U.S.P.Q. 2d 1017, 1019 (Fed. Cir. 1994); Lewmar Marine Inc. v. Barient Inc., 3-U.S.P.Q. 2d-1766, 1767-68 (Fed. Cir. 1987); Verdegaal Bros., Inc. v. Union Oil Co., 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987). The federal Circuit has mandated that 35 U.S.C. § 102 requires no less than “complete anticipation . . . [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); See also, Electro Medical Systems, 32 U.S.P.Q. 2d at 1019; Verdegaal Bros., 2 U.S.P.Q. 2d at 1053.

Since Rudolf ‘909 fails to disclose each and every feature of independent Claim 10, Rudolf ‘909, as a matter of law, does not anticipate the present invention, as defined by said independent claim.

In view of the above, it is respectfully submitted that Rudolf ‘909 does not anticipate or make obvious the present invention as defined in Claim 10, and the present invention is patentable over Rudolf ‘909.

Claims 11 - 16 depend on Claim 10 and are allowable for the same reasons Claim 10 is allowable and further because of specific features recited therein which, when taken alone and/or in combination with features recited in Claim 10 are not disclosed or suggested in the prior art.

Claim 17 relates to a tool with a quick-action device of claim 10 and is allowable for the same reasons claim 10 is allowable.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects, in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed to issue. Alternatively, should the

Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully Submitted,  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail and addressed to: Commissioner for Patents, Washington, DC 20231 on April 23, 2003.

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